
Introduced by Senator Gaines

February 5, 2015

An act to amend Section 4004 of the Penal Code, relating to prisons.

LEGISLATIVE COUNSEL'S DIGEST

SB 171, as introduced, Gaines. County jail inmates: involuntary transfer.

Existing law requires a prisoner who is committed to a county jail to be actually confined until legally discharged. Existing law authorizes a sheriff, if facilities are no longer available in a county jail due to crowded conditions, to transfer a person committed to a county jail upon conviction for a public offense to facilities that are available in a city jail.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4004 of the Penal Code is amended to
2 read:
3 4004. A prisoner committed to ~~the~~ a county jail for
4 examination, or upon conviction for a public offense, ~~must~~ *shall*
5 be actually confined in the jail until legally ~~discharged; and if~~
6 *discharged. If* the prisoner is permitted to go at large out of the
7 jail, except by virtue of a legal order or process, it is an ~~escape;~~
8 ~~provided, however, that during~~ *escape. However, during* the
9 pendency of a criminal proceeding, the court before which ~~said~~

1 *that* proceeding is pending may make a legal order, good cause
2 appearing therefor, for the removal of the prisoner from ~~the~~ *that*
3 county jail in custody of the sheriff. In courts ~~where there is~~ *with*
4 a marshal, the marshal shall maintain custody of ~~such~~ *the* prisoner
5 while the prisoner is in the court facility pursuant to ~~such~~ *the* court
6 order. The superior court of ~~the~~ *a* county may make a legal order,
7 good cause appearing therefor, for the removal of prisoners
8 confined in ~~the~~ *a* county jail, after conviction, in the custody of
9 the sheriff.

10 If facilities are no longer available in ~~the~~ *a* county jail due to
11 crowded conditions, ~~a~~ *the* sheriff may transfer a person committed
12 to ~~the~~ *that* county jail upon conviction for a public offense to
13 facilities ~~which~~ *that* are available in ~~the~~ *a* city jail, as provided for
14 in Section 4004.5.